

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

## ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to Count One of the two-count Superseding Indictment; (2) accept Defendant's guilty plea to the lesser included offense of the charge in Count One of the Superseding Indictment, that is, conspiracy to distribute and possess with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(C); (3) adjudicate Defendant guilty of the lesser included offense of the charge in Count One of the Superseding Indictment, that is, conspiracy to distribute and possess with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(C); (4) defer a decision on whether to accept the amended plea agreement [Doc. 99] until sentencing; and (5) Defendant's conditions of release were revoked and Defendant shall remain in custody until sentencing in this matter. [Doc. 102]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 102] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea to Count One of the two-count Superseding Indictment is **GRANTED**;
2. Defendant's plea of guilty to the lesser included offense of the charge in Count One of the Superseding Indictment, that is, conspiracy to distribute and possess with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(C) is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of the lesser included offense of the charge in Count One of the Superseding Indictment, that is, conspiracy to distribute and possess with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(C);
4. A decision on whether to accept the amended plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** in custody until sentencing in this matter, which is scheduled to take place on **February 29, 2024, at 10:00 a.m. [EASTERN]** before the undersigned.

**SO ORDERED.**

/s/ *Charles E. Atchley, Jr.*

**CHARLES E. ATCHLEY, JR.  
UNITED STATES DISTRICT JUDGE**